

REMARKS

Applicant's Statement

Applicants have cancelled claims 1-29 and replaced them with new claims 30-59. See for example in the specification

for summary of the invention including certain ethylene oxide products;
at page 7, line 25 through page 9, line 16;
for reference to aspects of the invention including certain ethylene oxide products;
at page 11, line 20 through page 13, line 30;
at page 15, line 16 through page 18, line 25;
for description of ethoxylated alcohols;
at page 21, lines 10-16.

The focus of these new claims is to include certain ethylene oxide products in the composition.

No new matter has been added to this application.

RESTRICTION / ELECTION

The Examiner states that:

Examination of this application reveals that it appears to be drawn to numerous different, distinct, and independent inventions. Because the claims are cast in such form (as discussed above) and set forth so many possible additive products and compositions containing said products, it is impossible to list all of the different, distinct, and independent inventions present.

Accordingly, at this time, restriction to one of the following inventions is required under 35 U.S.C.121:

- I. Claims 1-28, drawn to an additive composition or combustible fuel, classified in class 44, subclass 302.

II. Claim 29, drawn to a method of determining the suitability of a composition as a useful additive to a combustible fuel to improve combustion, classified in class 44, subclass 903.

The inventions are distinct, each from the other because of the following reasons:

Inventions Group I and Group II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP §806.04, MPEP §808.01). In the instant case the different inventions have different functions, i.e., claims 1-28 are directed to a composition comprising a combination of specific additives whereas claim 29 is directed to a method of determining the suitability of a composition as a useful additive to a combustible fuel and is not limited to the additive(s) of claims 1-28.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

If applicant elects claims 1-28 to the composition, then further restriction and/or election may be required.

Applicant elects Claims 1-28 with traverse with the examination of the newly presented now pending Claims 30-59.

The amendments described above should overcome all of the Examiner's other concerns.

SUMMARY

Applicants assert these claims are now of a form and scope for allowance.

A petition for Extension of time for one month and a fee of \$60.00 are enclosed.

If additional fees are required for the filing of this document, the Commissioner for Patents is hereby authorized to charge or credit overpayment to Deposit Account No. 16-1331.

Respectfully submitted,

Date: May 7, 2004


Howard M. Peters (Reg. No. 29,202)
Attorney of Record
PETERS VERNY JONES & SCHMITT, L.L.P.
425 Sherman Avenue, Suite 230
Palo Alto, CA 94306
Tel (650) 324-1677
Fax (650) 324-1678
Customer No.: 23308

Enclosures: 1) Claims of Issued U.S. Patent 6,348,074 found at www.uspto.gov
2) Petition for Extension of Time and Fee

f:\hmp\3596.02-3\amend3a